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TO:	MAIL STOP AF c/o Examiner Fenn C. Mathew	FROM:	DAVID J. KENEALY Cermak & Kenealy LLP
FAX:	703.872.9306	REF. NO:	MA3005-0031
VOICE:	703 305 2846	PAGES	(incl. this sheet)
App. No.:	09/870,672	DATE:	October 14, 2004

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David J. Kenealy

Registration Number 40,411

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Filing Under 37 C.F.R. §1.116
Expedited Handling
Procedure Requested
Patent
Attorney's Docket No. MA3005-0031

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re P	atent Application of)	MAIL STOP AF		
Ry	ota SUGIMOTO)	Group Art Unit: 3764		
Applic	eation No.: 09/870,672)	Examiner: F. Mathew		
Filed:	June 1, 2001		Confirmation No.: 8651		
For:	IMPLANTABLE TUBULAR DEVICE)	. •		
MAIL	nissioner for Patents LISTOP AF Indria, Virginia 22313				
Sir:	AMENDMENT TRANS	SMI	TTAL FORM		
1.	Transmitted herewith is an Amendment After July 14, 2004.	Fina	I responding to the Office Action dated		
2.	Additional papers enclosed: [] Notice of Appeal [] Information Disclosure Statement [] Form PTO-1449, references included [] Citations [] Declaration of Biological Deposit [] Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.				
3.	Extension of Time				
The pr	oceedings herein are for a patent application an	d the	e provisions of 37 C.F.R. § 1.136(a) apply.		
[X]	Applicant believes that no extension of time is being made to provide for the possibility that for a petition and fee for extension of time.	s req appl	uired. However, this conditional petition is icant has inadvertently overlooked the need		

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[] Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

Total Months Requested	Fee for Extension	[Fee for Small Entity]	
one month	\$ 110.00	\$ 55.00	
two months	\$ 430.00	\$215.00	
three months	\$ 980.00	\$490.00	
[] four months	\$1,530.00	\$765.00	

Extension of time fee due with this request: \$ 0.00

If an additional extension of time is required, please consider this a Petition therefor.

	$_$ month has already been secured and the fee paid therefor of $\$_$	is
 deducted from the t	total fee due for the total months of extension now requested.	

4. Constructive Petition

[X] EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

PATENT

Attorney Docket No.: MA3005-0031 Application No.: 09/870,672

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5. Fee Calculation (37 C.F.R. §1.16)

1 10-2 12-		CL	AIMS AS AMENDE	D		
	Claims Remaining After Amendment	7,1-4-	Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	23	Minus	35	0	x \$18 each=	+ \$
Independent Claims (37 C.F.R.§1.16(b))	3	Minus	4	o	x \$88 each=	+ \$
[] First presentation	of Multiple depe	ndent claim	n(s)		\$300.00	+ \$
				<u> </u>	SUB-TOTAL =	\$
Reduction by ½ for filing by a small entity			\$			
					TOTAL FEE =	\$ 0

6	Faa	Payment

- [X] No fee is to be paid at this time.
- Check in the amount of _____ for a ____. The Commissioner is hereby authorized to [] charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.

Respectfully submitted,

CERMAK & KENEALY LLP

Dated: October 14, 2004

David J. Kenealy Reg. No. 40,411

CERMAK & KENEALY LLP 23 W. Myrtle St. Alexandria, Virginia 22301 (703) 518-8485

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Filing Under 37 C.F.R. §1.116 OCT 1 4 2004 **Expedited Handling Procedure Requested** Patent

Attorney's Docket No. MA3005-0031

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP AF
Ryota SUGIMOTO)	Group Art Unit: 3764
Application No.: 09/870,672)	Examiner: F. Mathew
Filed: June 1, 2001)	Confirmation No.: 8651
For: IMPLANTABLE TUBULAR DEVICE)	

AMENDMENT AFTER FINAL UNDER 37 C.F.R. §1.116

Commissioner for Patents MAIL STOP AF Alexandria, Virginia 22313

Sir:

Oct 14 04 11:47p.

In response to the Final Official Action dated July 14, 2004, the response period extending through October 14, 2004, Applicant requests consideration and entry of the following amendments and remarks.

Amendments to the Claims are reflected in the claim summary which begins on page two of this paper.

Remarks begin on page 9 of this paper.